

237553

## STATE OF SOUTH CAROLINA

## (Caption of Case)

Example: Application for a Class C Charter Certificate from  
John Doe dba Doe's Limo

**Request for Proposed Revisions to the Public Service  
Commission's Motor Carrier and Practice &  
Procedure Regulations, S.C. Code Regs. Sections  
103-134 and 103-805**

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

## TRANSPORTATION COVER SHEET

**DOCKET  
NUMBER:** 2012-269-A

If this is your first time filing an application with the PSC, you will not have a Docket Number. The Commission will assign one to you. If you have filed with the Commission before, a Docket Number was assigned and should be entered above.

(Please type or print)

**Submitted by:** South Carolina Movers Association**Telephone:** 843-576-2930**Address:** Helen F. Hiser, McAngus, Goudelock & Courie**Fax:** 843-534-0605P.O. Box 650007**Other:** \_\_\_\_\_Mount Pleasant, SC 29465**Email:** helen.hiser@mgclaw.com

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**NATURE OF ACTION (Check all that apply)**

☐ Application - Class A/A Restricted☐ Request for Name Change on Certificate☐ Application - Class C Taxi☐ Request to Amend Scope of Authority☐ Application - Class C Charter☐ Request to Amend Tariff (rate increase, etc.)☐ Application - Class C Charter Bus☐ Request to Amend Passenger Limit☐ Application - Class C Non-Emergency☒ Request☐ Application - Class C Stretcher Van☐ Exhibit☐ Application - Class E Household Goods☐ Late-Filed Exhibit☐ Application - Class E Hazardous Waste☐ Letter☐ Application☐ Proposed Order☐ Request for Extension to Comply with Order☐ Publisher's Affidavit☐ Request for Order Granting Authority to Obtain a Certificate of Public Convenience and Necessity to be Rescinded☐ Reservation Letter☐ Request for Cancellation of Certificate☐ Response☐ Request for Suspension☐ Return to Petition☐ Request for Reinstatement☐ Other: \_\_\_\_\_

If you have any questions about this form, please contact the PUBLIC SERVICE COMMISSION at 803-896-5100.

Print Form

Reset Form



ATTORNEYS AT LAW

Reply To  
HELEN F. HISER  
Direct Dial: (843) 576-2930  
helen.hiser@mgclaw.com  
CHARLESTON

July 6, 2012

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JUL 06 2012

CLERK'S OFFICE

Ms. Jocelyn Boyd, Chief Clerk  
South Carolina Public Service Commission  
101 Executive Center Dr., Suite 100  
Columbia, SC 29210

Dear Ms. Boyd:

On behalf of the South Carolina Movers' Association, please find enclosed for filing a petition for revisions to the South Carolina Public Service Commission's regulations concerning representation in hearings before the Commission, specifically sections 103-134 and 103-805. The limited purpose of the proposed changes is to provide for representation without formal counsel in motor carrier hearings considering applications for Public Convenience and Necessity, and with appropriate safeguards. For your convenience, we are attaching both a clean and a red-lined version of the two affected provisions so that the proposed changes are readily apparent.

We request that the Commission open a docket for this matter. Please do not hesitate to contact the undersigned if you have any questions regarding this filing.

Very truly yours,

Helen F. Hiser

HFH/gdm  
Enclosures

cc: Michael Carey

**103-134. When Hearing May Be Held.**

1. Application for a Certificate of PC&N. When an application for a Certificate of PC&N is submitted and there is no opposition, the commission may hold a hearing if it deems necessary for the purpose as it shall determine, including the issue of fitness, willingness, or ability of the applicant to appropriately perform the proposed service, or the issue of whether the public convenience and necessity are already being served.
2. Application for a Certificate of FWA. When an application for a Certificate of FWA is submitted and there is no opposition, a hearing may be held if necessary, but the issue of whether the public convenience and necessity is already being served shall not be considered.
3. Opposition and Participation in Hearings. When an application for a Certificate of PC&N of FWA is submitted, a person or an entity may file a statement of opposition and participate in any hearing.
4. Participation in Hearings Without Counsel. Notwithstanding the provisions of S.C. Code Ann. Regs. 103-805, a Person or an entity, including but not limited to, a firm, partnership, corporation, company, or association, may participate in any hearing under this section 103-134 without counsel for purposes of testifying to factual issues, and responding to questions or requests for information from the Commission and/or to cross-examination.

a. The representation may be compensated and shall be undertaken at the entity's option and with the understanding that the entity assumes the risk of any problems incurred as the result of the representation.

b. If the entity chooses to participate in a commission proceeding under this section without using an attorney, it shall submit a written statement from the entity's president, chairperson, general partner, owner, chief executive officer, or authorized agent which states substantially the following:

"I am owner, officer, director, or other person authorized to act on behalf of [Name of Firm, Partnership, Corporation, Company, or Association], and on behalf of [Name of Firm, Partnership, Corporation, Company, or Association], I have elected to provide factual information to the Public Service Commission of South Carolina in [Name/Docket Number of Proceeding] pending before the Commission without the benefit of legal counsel admitted to practice in South Carolina. In electing to so participate in [Name/Docket Number of Proceeding] without legal counsel, I acknowledge and agree to assume the risk, if any, of resulting adverse legal consequences."

c. Nothing in this section shall authorize an entity to participate in any opposed case without counsel beyond the provision of factual information as described herein. Furthermore, the provisions of this section 103-134.4 are limited to applications and hearings concerning Motor Carriers as defined in this Article 2.

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**103-805. Representation.**

A. **Parties and Their Representatives.** Parties in a case have the right to participate or to be represented in all hearings or pre-hearing conferences related to their case. Except as otherwise provided herein, a party must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR. No one shall be permitted to represent a party where such representation would constitute the unauthorized practice of law.

B. **Representation of Entities.** Except as otherwise provided in S.C. Code Ann. Regs. 103-134.4 and 103-805(E), any entity including, but not limited to, a corporation, partnership, limited liability company, or professional association, must be represented by an attorney admitted to practice law in South Carolina, or an attorney possessing a Limited Certificate of Admission pursuant to Rule 405, SCACR.

C. **Representation of Individuals.** An individual person not admitted to practice law in South Carolina may represent himself or herself, but may not represent another person. A party proceeding without legal representation shall remain fully responsible for compliance with the commission's regulations and the Administrative Procedures Act.

D. **Notice of Appearance.** An attorney or other person authorized to represent a party before the commission pursuant to this regulation shall file with the commission a notice of appearance when retained or authorized to represent a party after commencement of a case.

E. **Unopposed Matters in Which an Entity May Proceed without Counsel.** Subject to the conditions specified in this regulation, an entity may proceed through an authorized agent in any unopposed case, including but not limited to the following:

- 1) application for approval of a tariff,
- 2) application for approval of a contract,
- 3) application for approval of an interconnection agreement between telephone carriers,
- 4) application for approval of a name change,
- 5) application for a certificate of public convenience and necessity to operate as a Class C motor carrier, including a charter passenger carrier, a charter bus, and a taxi, and
- 6) application of a mover of household goods for a certificate of FWA.

If the entity chooses not to use an attorney, it shall include in its submission a written statement from the entity's president, chairperson, general partner, owner, chief executive officer, or authorized agent which states substantially the following:

"I am owner, officer, director, or other person authorized to act on behalf of [Name of Company], and on behalf of [Name of Company], I have elected to submit [Title of Document] to the Public Service Commission of South Carolina without the benefit of legal counsel admitted to practice in

South Carolina. In electing to file [Title of Document] without legal counsel, I acknowledge and agree to assume the risk, if any, of resulting adverse legal consequences."

However, if the case becomes opposed, the unrepresented entity must obtain legal representation by an attorney authorized to practice law in South Carolina in order for the commission to allow the matter to proceed.

F. Motion to Withdraw from Representation. An attorney or other person authorized to represent a party before the commission pursuant to this regulation must file a written motion to withdraw from representation of a party or from participation in proceedings.

### **103-134. When Hearing May Be Held.**

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**Reply To**  
HELEN F. HISER  
Direct Dial: (843) 576-2930  
Helen.Hiser@mgclaw.com  
CHARLESTON

DATE: July 6, 2012

TO: **Jocelyn Boyd** Fax: 803-896-5199 Tel: 803-896-5114  
FROM: Helen F. Hiser  
PHONE NO. (843) 576-2930

NO.:

RE: South Carolina Movers' Association  
Docket No.  
Date of Incident: .  
Carrier Claim No.: unknown  
MGC File No.: 20587.11014

NUMBER OF PAGES: 9

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